

AUG 29 2007

BY TELEFAX TO:
(571) 273-8300

DOCKET NO.: 4940

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF THE APPLICATION FOR PATENT

OF: Hitoshi SUMIYA et al.

| ART UNIT: 3723

SERIAL NO.: 10/572,708

| CONF. NO.: 5352

FILED: March 17, 2006

FOR: DIAMOND TOOL, SYNTHETIC SINGLE CRYSTAL DIAMOND AND METHOD
OF SYNTHESIZING SINGLE CRYSTAL DIAMOND, AND DIAMOND JEWELRY

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

August 29, 2007

REQUEST FOR CORRECTED NOTICE OF ACCEPTANCE OF APPLICATION

Dear Sir:

- 1) The Notice of Acceptance of Application contains errors. Please correct the following items as shown on the enclosed marked-up copy of the Notice:

DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS = 03/17/2006

- 2) Please add the following items to the list of items that have been received:
 - Request for Immediate Examination filed on 03/17/2006
 - English Translation of the annexes filed on 03/17/2006

3) On page 2, please delete the following item from the list of defects that have been observed:

- Annexes have not been entered because Annexes were not translated.

4) The corrections are supported by the Transmittal Letter, the English translation of the amended claims (PCT Article 19) from the annex of the IPER as filed herein on March 17, 2006, and the Decision mailed on May 29, 2007. A copy of the incorrect Notice of Acceptance and a copy of the Decision are enclosed. Please review the file and issue a corrected Notice of Acceptance.

Respectfully submitted,
Hitoshi SUMIYA et al. - Applicant

WFF:ks/4940
Enclosure:
copy of Notice of
Acceptance,
copy of Decision

By W. F. Fasse
W. F. Fasse
Patent Attorney
Reg. No.: 36132
Tel: 207-862-4671
Fax: 207-862-4681
P.O. Box 726, Hampden, ME 04444-0726

CERTIFICATE OF FAX TRANSMISSION:

I hereby certify that this correspondence with all indicated enclosures is being transmitted by telefax to 571-273-8300 on the date indicated below, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Karin Smith - August 29, 2007

Name: Karin Smith - Date: August 29, 2007

CENTRAL FAX CENTER

AUG 29 2007

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/572,708	FIRST NAMED APPLICANT Hitoshi Sumiya	ATTY. DOCKET NO. 4940/PCT
INTERNATIONAL APPLICATION NO. PCT/JP04/14910		
LA. FILING DATE 10/08/2004	PRIORITY DATE 10/10/2003	

21553
FASSE PATENT ATTORNEYS, P.A.
P.O. BOX 728
HAMPDEN, ME 04444-0726

RECEIVED

NOV 09 2006

FASSE PATENT ATTORNEYS

CONFIRMATION NO. 5352

371 ACCEPTANCE LETTER



OC000000021122471

Date Mailed: 11/07/2006

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>03/17/2006</u>	03/17/2006 04/10/2006
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 03/17/2006
- English Translation of the IA filed on 03/17/2006
- Copy of the International Search Report filed on 03/17/2006
- Copy of IPE Report filed on 03/17/2006
- Copy of Annexes to the IPE filed on 03/17/2006
- Preliminary Amendments filed on 03/17/2006
- Information Disclosure Statements filed on 03/17/2006
- Oath or Declaration filed on 03/17/2006
- U.S. Basic National Fees filed on 03/17/2006
- Assignment filed on 03/17/2006
- Priority Documents filed on 03/17/2006
- Request for Immediate Examination
- English Translation of the annexes

- Specification filed on 03/17/2006
- Claims filed on 03/17/2006
- Drawings filed on 03/17/2006

The following defects have been observed:

-  ~~• Annexes have not been entered because Annexes were not translated.~~ 
-

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

KAYA L LEWIS BALTIMORE
Telephone: (703) 308-9140 EXT 202

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)



29 MAY 2007

AUG 29 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.govDATE OF THIS
DECISION = 29 MAY 2007

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JUN 04 2007

FASSE PATENT ATTORNEYS

FASSE PATENT ATTORNEYS, P.A.
P.O. BOX 726
HAMPDEN, ME 04444-0726

In re Application of SUMIYA et al
U.S. Application No.: 10/572,708
PCT Application No.: PCT/JP2004/014910
Int. Filing Date: 08 October 2004
Priority Date Claimed: 10 October 2003
Attorney Docket No.: 4940/PCT
For: DIAMOND TOOL, SYNTHETIC SINGLE
CRYSTAL DIAMOND. . .

DECISION

This application is before the Office of PCT Legal Administration for consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

On 08 October 2004, applicant filed international application PCT/JP2004/014910, which claimed priority of an earlier Japan application filed 10 October 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 21 April 2005. The thirty-month period for paying the basic national fee in the United States expired on 10 April 2006.

On 17 March 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 07 November 2006, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 16 May 2007, applicant filed a present petition under 37 CFR 1.181.

On 23 May 2007, this Office mailed a decision dismissing in part the 16 May 2007 petition.

46:9-17-07

Application Number: 10/572,708

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DISCUSSION

The petition states that the Notice of Acceptance contained the following three errors: (1) an incorrect date of completion of all 35 U.S.C. 371 requirements, (2) a failure to indicate receipt of applicant's request for immediate examination, and (3) a failure to indicate receipt of an English translation of annexes (Article 19 amendments).

A review of the application file reveals that the Notice of Acceptance contained erroneous information with regard to items (1), (2), and (3) above.

CONCLUSION

The decision mailed 23 May 2007 is hereby VACATED.

The petition under 37 CFR 1.181 is GRANTED.

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 07 November 2006 is hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a corrected Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903). The corrected Form PCT/DO/EO/903 should indicate: (1) a date of completion of all 35 U.S.C. 371 requirements of 17 March 2006, (2) receipt of applicant's express request to begin national examination procedures under 35 U.S.C. 371(f), and (3) receipt of a translation of the Annexes. Furthermore, corrected Form PCT/DO/EO/903 should not list any observed defects.

Bryan Lin
Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459